

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

CODE OF VIRGINIA
§ 45.1-361.26

BEFORE THE GAS AND OIL BOARD

VIRGINIA:

APPLICANTS:

CNX Gas Company LLC on behalf of Buckhorn Coal Company and certain Columbus Earl Whited Heirs including Michael Whited, Ferrell Whited Herald Whited, Marty Whited Cathy Darlene Ward, and Melissa Skeens; Buckhorn Coal Company and Mike Rasnake; Buckhorn Coal Company and Clyde and Goldie Hess.

DOCKET NO.

01-320-0875-01

RELIEF SOUGHT:

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling AY-110,
Tracts 1, 2, 4, 5 & 6.
(Referenced herein as "the Subject Drilling Unit")

Location: Russell County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit AY-110 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling

REPORT OFTHE BOARDFINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on June 16, 2009 at the Russell County Conference Center, 139 Highland Drive, Lebanon Virginia.
2. **Appearances:** Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting

claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. (a) On March 19, 2001 the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Russell County on May 2, 2001, Deed Book 525 pages 048 to 066, Instrument Number 0001346. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk of the Circuit Court of Russell County on August 8, 2001, Deed Book 532 pages 242 to 253, Instrument Number 0002830 (hereafter all orders are collectively referred to as the "Pooling Orders").
- 4.2. To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Buckhorn Coal Company and the gas ownership interests of the applicants in Tracts 1, 2, 4, 5 & 6 in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3. The Unit Operator's Miscellaneous Petition regarding Tracts 1, 2, 4, 5 & 6 a copy of which is attached to and made a part hereof, states under oath that Buckhorn Coal Company and the Applicants have entered into an agreement with regards to Tracts 1, 2, 4, 5 & 6 and that by the terms of the agreements, Buckhorn Coal Company has entered into a (50% 50%) split agreement regarding these tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.
- 4.4. The Unit Operator gave notice to Buckhorn Coal Company and the applicants that the Board would consider its disbursement authorization at its hearing on June 16, 2009 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to Tracts 1, 2, 4, 5 & 6 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to said Tracts 1, 2, 4, 5 & 6 in the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties under this order subject to continued payments in the escrow under Tracts 1 and 3.
- 4.5. The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant has certified and represented to the Board that:

- (1) Buckhorn Coal Company and certain (Columbus) Earl White Heirs, Devisees, Successors or Assigns include: Michael White, Ferrell White, Herald White, Marty White, Cathy Darlene Ward, and Melissa Skeens; Buckhorn Coal Company and Mike Rasnake; Buckhorn Coal Company and Clyde and Goldie Hess are the owners of the coal and gas acreage estate underlying a portion of VGOB Tracts 1, 2, 4, 5, & 6 of the Subject Drilling Unit;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB 01-0320-0875-01

Table 1

			Acreage Fraction	Acreage Interest	Split Agreement	Acres	% of Escrowed Funds
		Tracts 1, 2, 4, 5 and 6		58.7000			
Item	Tract	Disbursement Table					
1	1	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651		9.4100	50.0%	4.71	8.0153%
2	1	Mike Rasnake / Rt. 2 Box 497 / Honaker, VA 24260		9.4100	50.0%	4.71	8.0153%
3	2	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651		3.2800	50.0%	1.64	2.7939%
		(COLUMBUS) Earl White Heirs	3.28				
4	2	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl White Heirs / P.O. Box 399 / Lebanon Virginia		3.2800	50.0%	1.64	2.7939%
5	4	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651		11.3700	50.0%	5.69	9.6848%
		(COLUMBUS) Earl White Heirs	11.37				
6	4	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl White Heirs / P.O. Box 399 / Lebanon Virginia		11.3700	50.0%	5.69	9.6848%
7	5	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651		16.5100	50.0%	8.26	14.0630%
		(COLUMBUS) Earl White Heirs	16.51				
8	5	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl White Heirs / P.O. Box 399 / Lebanon Virginia		16.5100	50.0%	8.26	14.0630%
9	6	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651		0.8300	50.0%	0.42	0.7070%
10	6	Clyde & Goldie Hess / PO Box 118 / Rowe, VA 24646		0.8300	50.0%	0.42	0.7070%

6. **Relief Granted:**

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

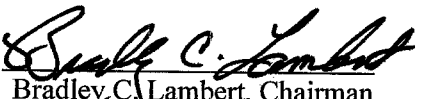
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

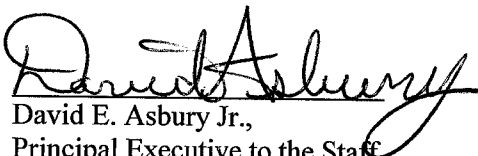
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 31 day of August, 2009 by a majority of the Virginia Gas and Oil Board.


Bradley C. Lambert, Chairman

DONE AND PERFORMED this 31st day of August, 2009 by an Order of this Board.

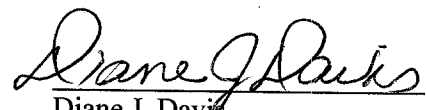

David E. Asbury Jr.,
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL)

Acknowledged on this 31st day of August, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

0902252




Diane J. Davis
Notary Public #174394

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 9-4, 2009. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 2:19 o'clock P-M, after payment of \$ tax imposed by Sec. 58.1-802.

Original returned this date to: Tina Neal

BY: Nichie Colley D. CLERK
TESTE: ANNE S. McREYNOLDS, CLERK

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

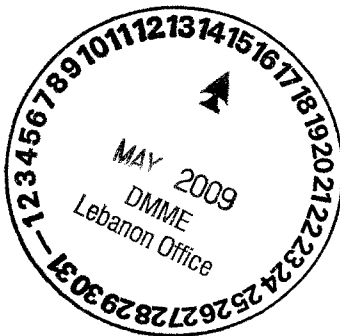
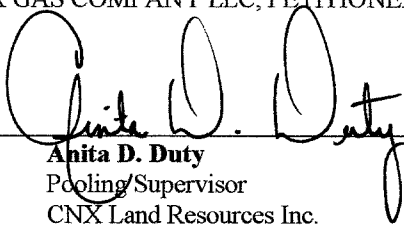
DIVISION OF GAS AND OIL
DOCKET NO: VGOB 01-0320-0875-01RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 1, 2, 4, 5 and 6
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: June 16, 2009

DRILLING UNIT: AY-110

~~BUCHANAN COUNTY, VIRGINIA~~
RussellMISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, 2481 John Nash Blvd., Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.
2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 1, 2, 4, 5 and 6 as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Buckhorn Coal Company and Columbus Earl Whited Heirs, Devisees, Successors or Assigns including: Michael Whited, Ferrell Whited, Herald Whited, Marty Whited, Cathy Darlene Ward, and Melissa Skeens; Buckhorn Coal Company and Mike Rasnake; Buckhorn Coal Company and Clyde and Goldie Hess.
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.
4. **Type of well(s):** Coalbed methane.
5. **Factual basis for relief requested:** Buckhorn Coal Company and Columbus Earl Whited Heirs, Devisees, Successors or Assigns including: Michael Whited, Ferrell Whited, Herald Whited, Marty Whited, Cathy Darlene Ward, and Melissa Skeens; Buckhorn Coal Company and Mike Rasnake; Buckhorn Coal Company and Clyde and Goldie Hess have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid. *Initial payout for the heirs of Columbus Earl Whited should be made payable to trust account: Glubiak Law Office, P.O. Box 144, Aylett, VA 23009 (Ralph Snead, Administrator C.T.A. of the Estate will distribute in accordance with Columbus Earl Whited's will)*
6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONERBy: 
Anita D. Duty
Pooling Supervisor
CNX Land Resources Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS
PROVIDED BY CONSOL inc. AND WERE NOT SURVEYED.

BOOK ~~710~~ PAGE ~~0941~~

BOOK 532 PAGE 0246

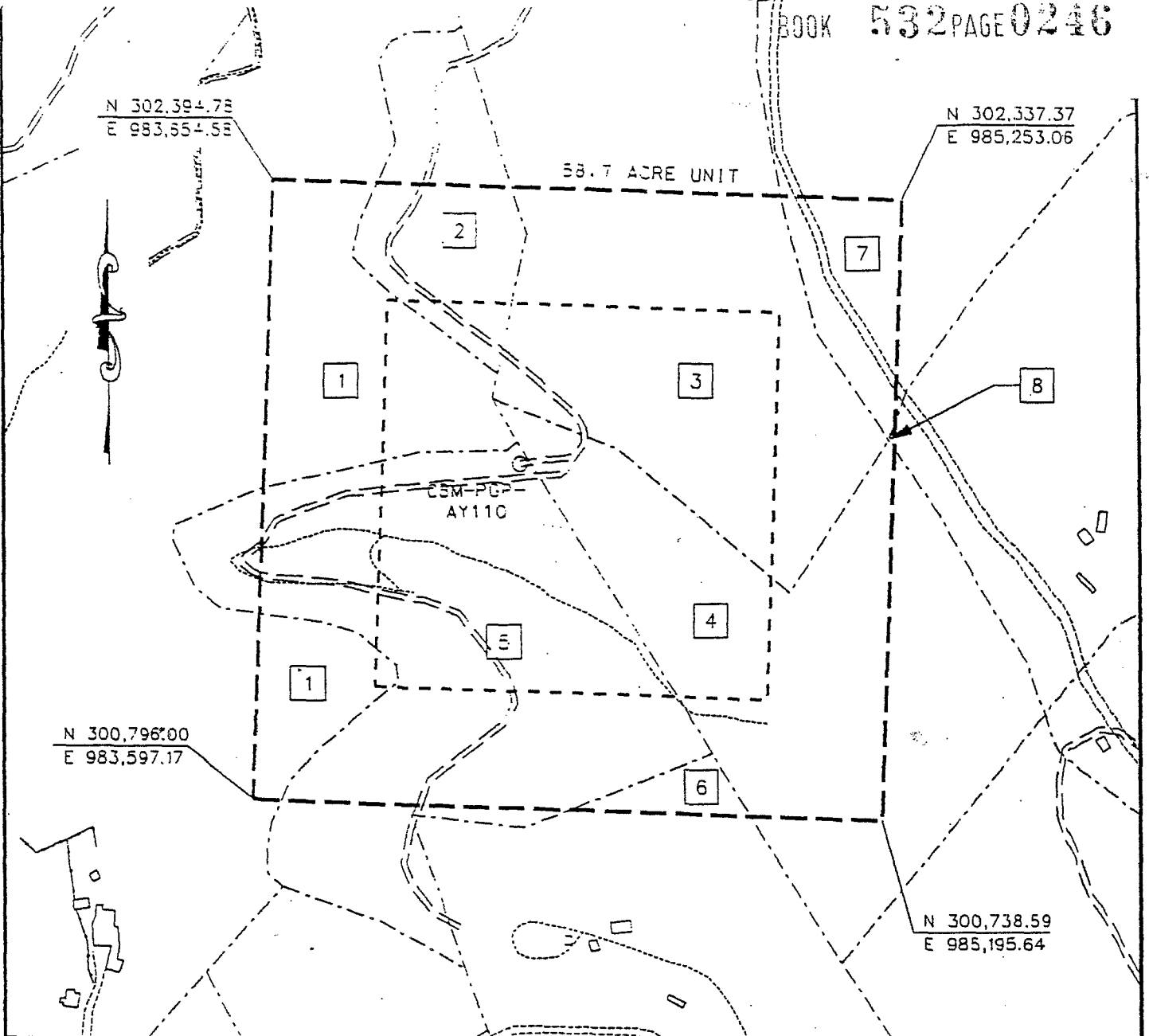


EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT AY-110
FORCE POOLING
VGOB-01-0320-0875

Company Pocahontas Gas Partnership Well Name and Number UNIT AY110
Tract No. _____ Elevation _____ Quadrangle Hondker
County Russell District New Garden Scale: 1" = 400' Date 4/3/01
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-60-7
Rev. 9/91

Charles G. Morgan
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

POCAHONTAS GAS PARTNERSHIP**Unit AY-110****Tract Identifications****(58.7 Acre Unit)**

1. Buckhorn Coal Company Tr. 9 - Coal
Coal Lessee
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Mike Rasnake - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
9.41 acres 16.0306 %
2. Buckhorn Coal Company Tr. 9 - Coal
Coal Lessee
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl Whited - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
3.28 acres 5.5877 %
3. Buckhorn Coal Company Tr. 9 - Coal
Coal Lessee
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl Whited or Heirs, Devisees, Successors or Assigns of Dr. L. M Harrison -
1/8 th of Surface, Oil & Gas
Earl Whited or Gent Enterprises, LLP. - 7/8 ths of Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
14.56 acres 24.8041 %
4. Buckhorn Coal Company Tr. 9 - Coal
Coal Lessee
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl Whited - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
11.37 acres 19.3697 %

Exhibit E
Unit AY-110
Docket #VGOB-01-0320-0875
List of Conflicting Owners/Claimants that require escrow

BOOK 710 PAGE 0943

	Acres in Unit	Interest in Unit
<u>Tract #3, 14.56 acres</u>		
<i>Escrow due to Title Conflict</i>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	14.56 acres	24.8041%
<u>OIL & GAS FEE OWNERSHIP</u>		
Earl Whited et al.	14.56 acres	24.8041%
(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	1.8200 acres 1/8 of 14.56 acres	3.1005%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.1820 acres 10% of 0.1820 acres	0.3101%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.3276 acres 18% of 0.1820 acres	0.5581%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.3276 acres 18% of 0.1820 acres	0.5581%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.3276 acres 18% of 0.1820 acres	0.5581%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.3276 acres 18% of 0.1820 acres	0.5581%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.3276 acres 18% of 0.1820 acres	0.5581%
<u>(OR)</u>		
Dr. L.M. Harrison, Heirs, Devisees, Successors or Assigns Address Unknown	1.82 acres 1/8 of 14.56 acres	3.1005%
(2) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	12.7400 acres 7/8 of 14.56 acres	21.7036%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	1.2740 acres 10% of 12.74 acres	2.1704%

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	2.2932 acres 18% of 12.74 acres	3.9066%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	2.2932 acres 18% of 12.74 acres	3.9066%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	2.2932 acres 18% of 12.74 acres	3.9066%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	2.2932 acres 18% of 12.74 acres	3.9066%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	2.2932 acres 18% of 12.74 acres	3.9066%
(OR)		
Gent Enterprises, LLP. P.O. Box 330 Honaker, VA 24260	12.74 acres 7/8 of 14.56 acres	21.7036%

Tract #7, 2.73 acres

Escrow due to Title Conflict

COAL FEE OWNERSHIP

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	2.73 acres	4.6508%
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OIL & GAS FEE OWNERSHIP

Earl Whited et al.	2.73 acres	4.6508%
(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	0.3413 acres 1/8 of 2.73 acres	0.5813%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.0341 acres 10% of 0.3413 acres	0.0581%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.0614 acres 18% of 0.3413 acres	0.1046%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.0614 acres 18% of 0.3413 acres	0.1046%

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.0614 acres 18% of 0.3413 acres	0.1046%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.0614 acres 18% of 0.3413 acres	0.1046%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.0614 acres 18% of 0.3413 acres	0.1046%
(OR)		
Dr. L.M. Harrison, Heirs, Devisees, Successors or Assigns <i>Address Unknown</i>	0.34 acres 1/8 of 2.73 acres	0.5813%
(2) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	2.3888 acres 7/8 of 2.73 acres	4.0694%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.2389 acres 10% of 2.3888 acres	0.4069%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.4300 acres 18% of 2.3888 acres	0.7325%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.4300 acres 18% of 2.3888 acres	0.7325%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.4300 acres 18% of 2.3888 acres	0.7325%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.4300 acres 18% of 2.3888 acres	0.7325%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.4300 acres 18% of 2.3888 acres	0.7325%
(OR)		
Gent Enterprises, LLP. P.O. Box 330 Honaker, VA 24260	2.39 acres 7/8 of 2.73 acres	4.0694%

Exhibit E
Unit AY-110
Docket #VGOB-01-0320-0875
List of Conflicting Owners/Claimants that require escrow

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	Acres in Unit	Interest in Unit
<u>Tract #8, 0.01 acres</u>		
<i>Escrow due to Title Conflict</i>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	0.01 acres	0.0170%
<u>OIL & GAS FEE OWNERSHIP</u>		
Earl Whited et al.	0.01 acres	0.0170%
(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	0.00125 acres 1/8 of 0.01 acres	0.002129%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.000125 acres 10% of 0.00125 acres	0.000213%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.000225 acres 18% of 0.00125 acres	0.000383%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.000225 acres 18% of 0.00125 acres	0.000383%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.000225 acres 18% of 0.00125 acres	0.000383%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.000225 acres 18% of 0.00125 acres	0.000383%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.000225 acres 18% of 0.00125 acres	0.000383%
(OR)		
Elijah & Zella Stacy Heirs, Devisees, Successors or Assigns		
(a) Fayne E. Stacy 1605 6th Street Richlands, VA 24641	0.003 acres 1/3 of 0.01 acres	0.0057%
(b) Nancy J. Stacy 2830 German Town Road Oakton, VA 22124	0.002 acres 1/6 of 0.01 acres	0.0028%

Exhibit E
Unit AY-110
Docket #VGOB-01-0320-0875
List of Conflicting Owners/Claimants that require escrow

BOOK

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	Acres in Unit	Interest in Unit
(c) Janice Shortridge 9966 Longford Court Veina, VA 22180	0.002 acres 1/6 of 0.01 acres	0.0028%
(d) Myra J. Stacy, widow 2611 Stoneridge Court Arlington, TX 76014	0.001 acres 1/9 of 0.01 acres (Life Estate in 1/9)	0.0019%
(e) Allen Stacy 2611 Stoneridge Court Arlington, TX 76014	0.002 acres 2/9 of 0.01 acres (1/3 - Subject to Myra Stacy's Life Estate in 1/9)	0.0038%

Tract-by-Tract Escrow Calculation
Account Balances as of 3/31/09

BOOK **710** PAGE **0948**

Unit AY-110
VGOB 01-0320-0875-01
Acres Escrowed: 58.70000

Owners	Tract #	Acres	Owner Acres	Interest	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$96,193.71
Buckhorn Coal Co. - Coal	1	9.41			16.0307%	8.0153%	\$7,710.25
Mike Rasnake - O&G						8.0153%	\$7,710.25
Buckhorn Coal Co. - Coal	2	3.28			5.5877%	2.7939%	\$2,687.52
(Columbus) Earl Whited Heirs - O&G						2.7939%	\$2,687.52
Michael Whited			0.32800	10%		0.2794%	\$268.75
Ferrell Whited			0.59040	18%		0.5029%	\$483.75
Herald Whited			0.59040	18%		0.5029%	\$483.75
Marty Whited			0.59040	18%		0.5029%	\$483.75
Cathy Darlene Ward			0.59040	18%		0.5029%	\$483.75
Melissa Skeens			0.59040	18%		0.5029%	\$483.75
Buckhorn Coal Co. - Coal	3	14.56			24.8041%	12.4020%	\$11,929.99
(Columbus) Earl Whited Heirs - O&G (<i>Title Conflict</i>)						12.4020%	\$11,929.99
Buckhorn Coal Co. - Coal	4	11.37			19.3697%	9.6848%	\$9,316.21
(Columbus) Earl Whited Heirs - O&G						9.6848%	\$9,316.21
Michael Whited			1.13700	10%		0.9685%	\$931.62
Ferrell Whited			2.04660	18%		1.7433%	\$1,676.92
Herald Whited			2.04660	18%		1.7433%	\$1,676.92
Marty Whited			2.04660	18%		1.7433%	\$1,676.92
Cathy Darlene Ward			2.04660	18%		1.7433%	\$1,676.92
Melissa Skeens			2.04660	18%		1.7433%	\$1,676.92
Buckhorn Coal Co. - Coal	5	16.51			28.1261%	14.0630%	\$13,527.75
(Columbus) Earl Whited Heirs - O&G						14.0630%	\$13,527.75
Michael Whited			1.65100	10%		1.4063%	\$1,352.78
Ferrell Whited			2.97180	18%		2.5313%	\$2,435.00
Herald Whited			2.97180	18%		2.5313%	\$2,435.00
Marty Whited			2.97180	18%		2.5313%	\$2,435.00
Cathy Darlene Ward			2.97180	18%		2.5313%	\$2,435.00
Melissa Skeens			2.97180	18%		2.5313%	\$2,435.00
Buckhorn Coal Co. - Coal	6	0.83			1.4140%	0.7070%	\$680.07
Clyde & Goldie Hess - O&G						0.7070%	\$680.07
Buckhorn Coal Co. - Coal	7	2.73			4.6508%	2.3254%	\$2,236.87
(Columbus) Earl Whited Heirs - O&G (<i>Title Conflict</i>)						2.3254%	\$2,236.87
Buckhorn Coal Co. - Coal	8	0.01			0.0170%	0.0085%	\$8.19
(Columbus) Earl Whited Heirs - O&G (<i>Title Conflict</i>)						0.0085%	\$8.19